



JAW

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Jodi A. Calderon

Date: 3-15-05

Atty. Docket No. 127.016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/696,724

Examiner: Teresa J. Walberg

Filing Date: October 29, 2003

Art Unit: 1725

Inventor: Frank Probst

Attorney Docket No. 127.016

Invention: *Electric Heating Device Comprising a Plurality of Heating Elements*

AMENDMENT

Mail Stop - Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner:

This amendment is in response to the Office Action dated December 15, 2004. Please amend the application as follows.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Amendments to the Drawings begin on page 10 of this paper and include replacement sheets labeled 1-6.

Remarks begin on page 11 of this paper.

An Appendix including replacement drawings FIGS. 1-8 is attached following page of this paper.

05/03/2005 LTHOMPS1 00000001 501170 10696724

01 FC:1201 200.00 DA

(00070976.DOC /)

Adjustment Date: 06/27/2005 SDIRETA1
05/03/2005 LTHOMPS1 00000001 501170 10696724
01 FC:1201 200.00 CR

05/12/2005 THU 14:43 FAX 414 278 0039 BOYLE FREDRICKSON NEWHOL

4001/006

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Attention: Refund Branch

Jodi A. Calderon

Facsimile: 703-308-5077
Total Pages: 6
Date May 12, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/696,724

Examiner: Teresa J. Walberg

Filing Date: October 29, 2003

Art Unit: 1725

Inventor: Frank Probst

Attorney Docket No. 127.016

Invention: *Electric Heating Device Comprising a Plurality of Heating Elements*

REQUEST FOR REFUND

Mail Stop 16
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On October 29, 2003 the above-captioned application was filed *without* the filing fees. On August 11, 2004, a Notice to File Missing Parts of Nonprovisional Application (copy enclosed) was mailed indicating the total fees due to complete the filing requirement at that time was \$1,238.00. On August 19, 2004, a Response to Notice to File Missing Parts of Nonprovisional Application was filed along with a check in the amount of \$1,278.00 that included the filing fee (\$770.00), late filing of applicant's declaration (\$130), additional claims fee (including 14 claims in excess of 20 (\$252), and 1 independent claim in excess of 3 (\$86) for a total of \$338), and assignment recordation fee (\$40), for a large entity. A copy of the cancelled check is enclosed.

On March 15, 2005, applicant filed a response to the Office Action dated December 15, 2004. In that response, claims were not added, cancelled, or withdrawn. Accordingly, a total of (34) claims and (4) independent claims remain pending as originally filed.

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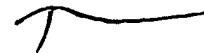
002/006

Request for Refund
Serial No. 10/696,724; filed October 29, 2003
Page 2,

On May 3, 2005, applicant's attorney's Deposit Account No. 50-1170 was charged \$200.00 for payment of the fee associated with the submission of one additional independent claim in excess of three. A copy of the print-out from applicant's attorney's Deposit Account showing this charge is enclosed.

The undersigned believes that the correct fees were paid upon filing of the Notice to File Missing Parts, and that the charge to Deposit Account No. 50-1170 was in error, and therefore respectfully requests that a credit of \$200.00 be made to Deposit Account No. 50-1170.

Respectfully submitted,


Timothy E. Newholm
Reg. No. 34,400

Date: May 12, 2005

Boyle, Fredrickson, Newholm,
Stein & Gratz, S.C.
250 East Wisconsin Avenue, Suite 1030
Milwaukee, WI 53202
(414) 225-9755
Customer No. 23598

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22311-1450
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APPLICATION NUMBER	FILING OR 371 (C) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/696,724	10/29/2003	Frank Probst	127.016

CONFIRMATION NO. 6336
FORMALITIES LETTER

"OC00000013510450"

Date Mailed: 08/11/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$338 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1238 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$338

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004/006

- \$86 for 1 independent claims over 3.
- \$252 for 14 total claims over 20.

Page 2 of 2

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
BINH
PART 2 - COPY TO BE RETURNED WITH RESPONSE

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05/12/2005 THU 14:45 FAX 414 278 0039 BOYLE FREDRICKSON NEWHOL
05/11/2005 14:41 FAX 414422212

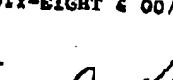
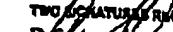
05/11/2005 14:41 FAX 4144233048

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002/002

Page 1 of 1

BOYLE, FREDRICKSON, NEWHOLM, STEIN & GRATZ, S.C. 250 E. WISCONSIN AVE. SUITE 1000 MILWAUKEE, WI 53202		20661
		NEW MARSHALL & BOLLEY BANK 12-5-750
<u>INDUSTRIAL PROPERTY LAW</u>		
PAY TO THE ORDER OF:	DATE 08/18/04	CHECK # 31,278.00 AMOUNT
*** ONE THOUSAND TWO HUNDRED SEVENTY-EIGHT & 00/100 DOLLARS		
Director of U.S. Patent & Trademark Ofc. Washington, DC 20231		
TWO SIGNATURES REQUIRED ON ACCOUNTS EXCEEDING \$5000		
 		
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Account Number	2147211
Check Number	20661
Amount	\$1,278.00
Posting Date	2004 Aug 26
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Deposit Account Statement

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Trademark Office**

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Deposit Account Statement

Requested Statement Month:

May 2005

Deposit Account Number:

501170

Name:

BOYLE & FREDRICKSON, SC

Attention:

JAMES BOYLE

Address:

250 E WISCONSIN AVE

City:

MILWAUKEE

State:

WI

Zip:

53202

Country:

UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF	ATTORNEY TXT	DOCKET NBR	FEE CODE	AMT	BAL
05/02	2	29146926	R&S-32509		2002	\$30.00	\$2,674.00
05/02	109	78399180	675.015 AND 675.016	8521		\$40.00	\$2,634.00
05/02	110	78399180	675.015 AND 675.016	8522		\$25.00	\$2,609.00
05/02	1578	76437464	155.010		7004	\$150.00	\$2,459.00
05/03	1	10696724	127.016		1201	\$200.00	\$2,259.00
05/04	76	2944992	675.012 AND 675.013	8503		\$15.00	\$2,244.00
05/04	77	2944993	675.012 AND 675.013	8503		\$15.00	\$2,229.00
05/04	1226	78329343			7004	\$150.00	\$2,079.00
05/05	31	11120124			9204	-\$1,350.00	\$3,429.00
05/06	124	11121502	23.005		2202	\$325.00	\$3,104.00
05/11	31	PAYMENT			9203	-\$3,910.00	\$7,014.00
05/11	52	11124527	J-4211		1011	\$300.00	\$6,714.00
05/11	53	11124527	J-4211		1111	\$500.00	\$6,214.00
05/11	54	11124527	J-4211		1311	\$200.00	\$6,014.00
05/11	55	11124527	J-4211		1202	\$1,000.00	\$5,014.00
05/11	95	11124760	J-4084		1202	\$100.00	\$4,914.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$2,704.00	\$3,050.00	\$5,260.00	\$4,914.00

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